

Status: This version of this provision is prospective.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Foodstuffs Suitable for People Intolerant to Gluten (England) Regulations 2010. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

STATUTORY INSTRUMENTS

2010 No. 2281

The Foodstuffs Suitable for People Intolerant to Gluten (England) Regulations 2010

PROSPECTIVE

Application of various sections of the Food Safety Act 1990

5. The following provisions of the Act shall apply for the purposes of these Regulations with the modification that any reference in those provisions to the Act or Part thereof shall be construed as a reference to these Regulations—

- (a) section 3 (presumptions that food intended for human consumption);
- (b) section 20 (offences due to fault of another person);
- (c) section 21 (defence of due diligence)(1), with the modifications that subsections (2) to (4) shall apply in relation to an offence under regulation 3(1) as they apply in relation to an offence under section 14 or 15 and that in subsection (4)(b) the references to “sale or intended sale” shall be deemed to include references to “labelling, advertising or presentation”;
- (d) section 30(8) (which relates to documentary evidence);
- (e) section 33(1) (obstruction etc. of officers);
- (f) section 33(2), with the modification that the reference to “any such requirement as is mentioned in subsection (1)(b) above” shall be deemed to be a reference to any such requirement as is mentioned in that subsection as applied by sub-paragraph (e);
- (g) section 35(1) (punishment of offences)(2), in so far as it relates to offences under section 33(1) as applied by sub-paragraph (e);
- (h) section 35(2) and (3)(3), in so far as it relates to offences under section 33(2) as applied by sub-paragraph (f);
- (i) section 36 (offences by bodies corporate);
- (j) section 36A (offences by Scottish partnerships)(4); and
- (k) section 44 (protection of officers acting in good faith).

Commencement Information

II Reg. 5 in force at 1.1.2012, see [reg. 1](#)

(1) Section 21 was amended by [S.I. 2004/3279](#).

(2) Section 35(1) is amended by the Criminal Justice Act 2003 ([2003 c. 44](#)), Schedule 26, paragraph 42, from a date to be appointed.

(3) Section 35(3) was amended by [S.I. 2004/3279](#).

(4) Section 36A was inserted by the Food Standards Act 1999 ([1999 c.28](#)), Schedule 5, paragraph 16.

Status: This version of this provision is prospective.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to *The Foodstuffs Suitable for People Intolerant to Gluten (England) Regulations 2010*. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

Status:

This version of this provision is prospective.

Changes to legislation:

There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Foodstuffs Suitable for People Intolerant to Gluten (England) Regulations 2010. Any changes that have already been made by the team appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to :

- Regulations revoked by [2023 c. 28 Sch. 1 Pt. 1](#)
- reg. 5 coming into force by [S.I. 2010/2281 reg. 1](#)